

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARY ALICE NELSON ROGERS,
Plaintiff,
v.
JP MORGAN CHASE, N.A., et al.,
Defendants.

No. 2:22-cv-01954 TLN CKD PS

FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding in this action pro se and has paid the filing fee. On March 15, 2023, the court ordered plaintiff to show cause why this case should not be dismissed for failure to state a claim upon which relief can be granted. (ECF No. 13.) On March 20, 2023, plaintiff filed a response, highlighting the difficulties faced by pro se plaintiffs and asserting in conclusory terms that defendant JP Morgan Chase violated her constitutional rights. (ECF No. 16.) While the court is sympathetic to the challenges faced by pro se plaintiffs, the fact remains that plaintiff has filed several frivolous lawsuits against JP Morgan Chase, as set forth in the Order to Show Cause. Moreover, nothing in plaintiff's response nor in the First Amended Complaint suggests that plaintiff can state a claim against any defendant in this action under the federal pleading standards, such that leave to amend would be futile.

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Accordingly, IT IS HEREBY RECOMMENDED that:

1. The First Amended Complaint (ECF No. 7) be dismissed with prejudice for failure to state a claim on which relief can be granted; and
2. The Clerk of Court be directed to close this case.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order.

Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: March 27, 2023


CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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